

**MANDATE**

04-10539  
USDC/MA  
Judge Stearns

**United States Court of Appeals  
For the First Circuit**

No. 04-2711

CURTIS MITCHELL,  
Petitioner, Appellant,

v.

TIMOTHY HALL AND  
THOMAS F. REILLY, ATTORNEY GENERAL,

Respondents, Appellees.

Before

Torruella, Selya, and Lipez, Circuit Judges.

**JUDGMENT**

Entered: December 29, 2005

Essentially for the reasons given by the magistrate judge in his report and recommendation, dated October 27, 2004, the request for a certificate of appealability is denied and the appeal is terminated.

By the Court:

Certified and Issued as Mandate  
under Fed. R. App. P. 41.

Richard Cushing Donovan, Clerk

  
Deputy Clerk

Date: 1-19-06

Richard Cushing Donovan, Clerk.

MARGARET CARTER

By: \_\_\_\_\_  
Chief Deputy Clerk.

[cc: Leslie W. O'Brien, Esq. and Susanne G. Reardon, Esq.]